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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,197	09/21/2001	Modest Khovaylo	10010566-1	4589

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,197

Applicant(s)

KHOVAYLO ET AL.

Examiner

Houshang Safaipoor

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-46 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

JEROME STANT II
PRIMARY EXAMINER

DETAILED ACTION

Response to Arguments

Applicant's amendment filed on May 8, 2006 has been entered and made of record.

Applicant's arguments have been considered, but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 13-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai et al. (U.S. Patent No. 6,721,072) and further in view of Han et al. (US Patent Application 2001/0000979).

Regarding claim 1, Tsai et al. discloses a picture frame scanner comprising:

a frame (fig. 4, frame 52) defining a display area, said frame disposed generally upright (fig. 4);

a transparent retention pane (fig. 4, transparent plate 32) mounted within said frame, spanning said display area (col. 2, line 24);

a support back (transparent cover 56, col. 2, line 67)) spanning said display area, said support back spaced apart from and adjacent to said retention pane (32); and

an image scanning bar (38) operatively mounted in said frame for moving across said display area and scanning an electronic image of an item (34), said item being lighted (light source 40, col. 2 line 7) and that is disposed between said support back (56) and said retention pane (32). Tsai does not expressly disclose a memory within the scanner (although memory for storing electronic image is an inherent part of a scanning device). Han discloses a scanner system with a memory within the scanner (paragraph [0041]). Therefore it would have been obvious to a person of an ordinary skill in the art to install a memory device in Tsai's scanning apparatus as disclosed by Han to store electronic image of the document for subsequent processing.

Regarding claim 2, combination of Tsai and Han discloses the picture frame scanner of claim 1 wherein said memory storage is located within said picture frame scanner (please refer to discussion under claim 1)

Regarding claims 3, 35 and 44 combination of Tsai and Han discloses the picture frame scanner of claim 1 wherein said memory storage is located on an external computer (please refer to discussion under claim 1 and also last three lines of paragraph [0041] of Han).

Regarding claim 4, Tsai et al. discloses the picture frame scanner of claim 1 wherein said scanner is selectively deployable in landscape and portrait orientations (col. 2, lines 21-27).

Regarding claim 5, Tsai et al. discloses the picture frame scanner of claim 4 wherein said scanner scans when deployed in either of said landscape and portrait orientations (col. 2, lines 21-27).

Regarding claim 6, Tsai et al. discloses the picture frame scanner of claim 4 further comprising a stand extending rearwardly from a lower corner of said frame, said stand selectively maintaining said scanner in said landscape and portrait orientations (fig. 4, stand 54).

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Regarding claims 7-10, rotating electronic images is well known and routinely implemented in the art. Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include such feature in combination of Tsai and Han device.

Regarding claims 11 and 36, Tsai discloses the method of claim 33, wherein said supporting step further comprises the step of disposing said item at a slight angle relative to vertical (col. 3, lines 15-18).

Regarding claim 13, Tsai et al. discloses the picture frame scanner of claim 1 wherein said frame, said support back and said retention pane define an item receptive slot for selective user insertion into and removal of said item from said frame between said support back and said retention pan (fig. 4).

Regarding claim 14, Tsai et al. discloses the picture frame scanner of claim 1 wherein said image scanning bar (38) extends across said display area and comprises a light for lighting said item during scanning and a mechanism to move said bar (driving module 42) across said display area to scan said item (fig. 2, col. 2, lines 33-50).

Regarding claim 15, Tsai et al. discloses the picture frame scanner of claim 1 further comprising a display glass mounted within said frame, spanning said display area, spaced apart from said retention pane (please refer to discussion under claim 1).

Regarding claim 16, Tsai et al. discloses the picture frame scanner of claim 15 wherein said image scanning bar (38) is operatively mounted between said retention pane and said display glass (please refer to discussion under claim 1).

Regarding claims 17-19, treating and polarizing display glass are well known and routinely implemented in the art (as disclosed in paragraph [0030] of the specification there are various methods of treating display glass one example of which is polarization). Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include such treatment in combination of Tsai and Han device.

Regarding claims 20, 38 and 46 Tsai et al. discloses the picture frame scanner of claim 1 wherein said support back comprises an electronic display panel for displaying electronic images through said retention pane when an item is not disposed between said support back and said retention pane (col. 3, lines 20-23).

Regarding claim 21, Tsai et al. discloses the picture frame scanner of claim 20 however, does not expressly disclose displaying the scanned images stored in the memory. Han discloses such a feature (page 2, paragraph [0041])

Regarding claim 22, Tsai et al. discloses the picture frame scanner of claim 20 however, does not expressly disclose displaying the scanned images stored in the memory. Han discloses such a feature (page 2, paragraph [0041])

Regarding claims 23 and 24, mounting controls on the scanner frame is well known and routinely implemented in the art. Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include such feature in combination of Tsai and Han device.

Regarding claims 25, 26, 28 and 29, providing control buttons and supplying power to scanning and displaying devices are well known and routinely implemented in the art (please refer to Han's figures 6 and 18). Therefore it would have been obvious to a person of an ordinary

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skill in the art at the time the invention was made to include such features in combination of Tsai and Han device.

Regarding claim 27, combination of Tsai and han discloses the picture frame scanner of claim 1 further comprising an input/output port (paragraph [0120] of Han).

Regarding claim 30, Tsai et al. discloses the picture frame scanner of claim 1 wherein said frame comprises a hinged access portion operatively opening to receive said item to be scanned operatively closing for scanning of said item (fig. 4).

Regarding claim 31, Tsai et al. discloses the picture frame scanner of claim 1 wherein said frame is adapted to selectively receive snap fit covers (fig. 4).

Regarding claim 32, Tsai et al. discloses the picture frame scanner of claim 1 further comprising a document cover hinged to said frame, operative to cover said display area during scanning (fig. 4).

Regarding claim 33 Tsai et al. discloses a method for displaying and scanning an item comprising the steps of:

- supporting said item to be scanned, generally upright in a frame (fig. 4, frame 52);
- retaining (fig. 4, plate 32) said item within said frame (fig. 4, frame 52) for display and scanning; and
- moving an image scanning bar (38) over said item; and

Tsai does not expressly disclose a memory within the scanner (although memory for storing electronic image is an inherent part of a scanning device). Han discloses a scanner system with a memory within the scanner (paragraph [0041]). Therefore it would have been obvious to a

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person of an ordinary skill in the art to install a memory device in Tsai's scanning apparatus as disclosed by Han to store electronic image of the document for subsequent processing.

Regarding claims 34 and 43 Tsai discloses the method of claim 33, wherein said scanning step comprises the step of selectively initiating said scanning (col. 2, lines 1-20)

Regarding claim 37, Tsai discloses the method of claim 33, wherein said scanning step further comprises the steps of:

Lighting said item and moving the image scanning bar over said item (col. 2, lines 1-20).

Regarding claim 39, Tsai discloses the method of claim 33 further comprising the steps of disposing said item to be scanned in said frame facing outward (fig. 4)

Regarding claims 40 and 41, scanning devices with remote operation capabilities are well known and routinely implemented in the art (as suggested by Han's fig. 17). Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include such a feature in combination of Tsai and Han device.

Regarding claim 42 Tsai et al. discloses a system for displaying and scanning an item comprising the steps of:

means for supporting said item to be scanned, generally upright in a frame (fig. 4, frame 52);

means for moving an image scanning bar (38) over said item; and

Tsai does not expressly disclose a memory within the scanner (although memory for storing electronic image is an inherent part of a scanning device). Han discloses a scanner system with a memory within the scanner (paragraph [0041]). Therefore it would have been obvious to a

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person of an ordinary skill in the art to install a memory device in Tsai's scanning apparatus as disclosed by Han to store electronic image of the document for subsequent processing

Regarding claim 45, Tsai discloses the system of claim 42 wherein said supporting means disposes said item at acute angle, relative to vertical (fig. 4).

Allowable Subject Matter

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not disclose "... said light angle is in the range of 10 to 20 degrees and said acute angle is in the range of 80 to 70 degrees". This range provides the desired smaller footprint.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Fri. from 6:00am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 Houshang Safaipoor
Patent Examiner
August 4, 2006

JEROME GRANT II
PRIMARY EXAMINER

